



Proskauer Rose LLP Eleven Times Square New York, NY 10036-8299

June 1, 2015

By ECF

Honorable Thomas P. Griesa
United States District Court
Southern District of New York
500 Pearl Street
New York, NY 10007

Jennifer R. Scullion
Member of the Firm
d 212.969.3655
f 212.969.2900
jscullion@proskauer.com
www.proskauer.com

Re: 04cv400; 04cv401; 04cv506; 04cv936; 04cv937; 04cv1085; 04cv2117; 04cv2118

Dear Judge Griesa:

We write with respect to the pending motions for preliminary injunction in the above cases.

As discussed at the hearing this past Friday, May 29, 2015, the class plaintiffs are willing to convert their pending motions for preliminary injunction into motions for partial summary judgment seeking declaratory relief only at this time – i.e., removing the request for injunctive relief, but otherwise maintaining the legal arguments set forth in the preliminary injunction papers. This “conversion” will bring the class plaintiffs’ motions into line with the “me too” motions currently before Your Honor in the non-class cases.

We will file the converted motions by the end of this week, along with formal motions to amend the class complaints to state separate *pari passu* claims. (As permitted by Rule 15, we had informally moved to amend in the preliminary injunction replies. However, Your Honor expressed a preference on Friday for motions to be made through formal filings.)

We understand that it would assist the Court administratively if we withdraw the pending motions for preliminary injunction. By this letter, we withdraw the preliminary injunction motions, but without prejudice to making the same arguments for *pari passu* protection in our forthcoming motions for partial summary judgment.

Respectfully submitted,

A handwritten signature in black ink, appearing to be "J. Scullion", with a long horizontal line extending to the right.

Jennifer R. Scullion

cc by ECF: Counsel of Record